

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8568 Dr. Harvey Webb, Jr., appellant

The Zoning Administrator of the District of Columbia, appellee

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on May 9, 1966.

EFFECTIVE DATE OF ORDER: May 17, 1966

**ORDERED:**

That the appeal for the continuance of a nonconforming use, a dental office and storage, at 762 Rock Creek Church Road, N.W., lot 117, square 3031, be granted.

From the record and the evidence adduced at the public hearing, the Board finds the following facts:

(1) The Board incorporates as a part of this Order the facts found in the Board's previous Order in this case dated March 17, 1966.

(2) Subsequent to the hearing, the appellant presented the following evidence:

- (a) Information from page 107, column 1; page 195, column 2; and page 235, column 1 of Boyds Directory of the District of Columbia which shows that a Dr. Clarence B. Allen used the premises for dental office as early as 1918.
- (b) A statement of Dr. E. H. Sloan, who practiced dentistry with Dr. Allen, indicating that Dr. Allen practiced dentistry at the subject address for ten (10) years prior to September 1925 and did not reside on the premises.

**OPINION:**

The Board is of the opinion that appellant has established that the subject premises were used as a doctor's office, without the doctor residing on the premises prior to zoning in the District of Columbia. Therefore, the nonconforming status of the property is established.

Further, the Board is of the opinion that the continuance of this nonconforming use will not adversely affect the present character or future development of the neighborhood. The use will not substantially impair the purpose, intent, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- February 23, 1966

Appeal No. 8568 Dr. Harvey Webb, Jr., Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on March 4, 1966.

EFFECTIVE DATE OF ORDER -- March 17, 1966.

**ORDERED:**

That the appeal for a variance from the use provisions of the R-4 District to permit dental office and storage at 762 Rock Creek Church Road, NW., lot 117, square 3031, be denied without prejudice.

From the record and the evidence adduced at the public hearing, the Board finds that:

(1) Appellant is owner of 3-story brick building with basement in R-4 District.

(2) Appellant does not reside on the premises but did live in the building for approximately 8 months.

(3) Appellant asserts that the building has been used for dental offices for about 40 years by the previous owner.

(4) Appellant proposes to use the first floor for dental offices, the upper floors as flats, and the basement as a storage area for dental equipment.

(5) The Board amended the appeal to read in the alternative as an appeal to continue a nonconforming use.

(6) There was no opposition to the granting of this appeal registered at the public hearing.

**OPINION:**

The Board is of the opinion that the use variance must be denied. Accepting the appeal as a request for the continuance of a nonconforming use, the Board is of the opinion that it must also be denied. However, the record will remain open by direction of this Board. Appellant is permitted to return within six (6) months and present any facts, affidavits, or licenses establishing the use of the premises as a doctors or dental office prior to enactment of the Zoning Act of 1920.